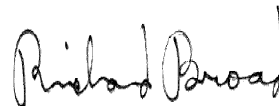


Form and Correctness Approved: *BAP*

Contents Approved:

By: _____
Office of the City AttorneyBy: _____
DEPT. Public Works

NORFOLK, VIRGINIA

Ordinance No. 48654

AN ORDINANCE GRANTING MICHAEL C. ROSENBLUM AND NICOLE G. ROSENBLUM PERMISSION TO ENCROACH INTO THE RIGHTS-OF-WAY OF CARILLO AVENUE AND BRUNSWICK AVENUE AT 1366 BRUNSWICK AVENUE WITH A FENCE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Michael C. Rosenblum and Nicole G. Rosenblum (the "Rosenblums") to encroach into the rights-of-way of Carillo Avenue and Brunswick Avenue at 1366 Brunswick Avenue with a fence, as shown on Exhibit A attached hereto. Such permission being further subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, the Rosenblums, or their successors and assigns, shall immediately remove the encroaching structure.
- (2) That upon the removal of the encroaching structure or any part thereof, the authority hereby granted shall cease and terminate.
- (3) That the Rosenblums, or their successors and assigns, at their own cost and expense, shall take out and keep in full force and effect during the term of the encroachment general liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring and naming the City of Norfolk ("City") as an additional insured in the amount of at least \$500,000.00 each occurrence and \$1,000,000.00 general aggregate against liability from claims, actions and suits that may be

asserted or brought against the City and/or the Rosenblums, and their successors and assigns, for any injury to, or death of any person or persons, or for any damage to, or destruction of property resulting from the installation, maintenance, or existence of said encroaching structure, with evidence of such insurance being provided to the City.

- (4) That the City shall not be responsible for any damage to the encroaching structure, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way at the property address of 1366 Brunswick Avenue.

Section 2:- That the failure of the Rosenblums, or their successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by the Rosenblums, and their successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.

Attachment:

Exhibit A - Encroachment (1 page)

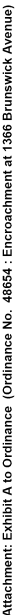
Adopted by Council February 8, 2022
Effective February 8, 2022

TRUE COPY
TESTE:

RICHARD ALLAN BULL

BY:

CHIEF DEPUTY CITY CLERK



Note: Graphic scale is correct, but drawing enlarged to fit 10×11 .



ERW

A-SK
Rovibrium Resource.
Fence Encroachment Sketch
8/20/2021 1/8" = 1'-0".